

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

**FILED**

AUG 09 2011

PATRICK E. DUFFY, CLERK  
By DEPUTY CLERK, MISSOULA

UNITED STATES OF AMERICA,

CR 11-1-H-DWM

Plaintiff,

vs.

FINDINGS & RECOMMENDATION  
CONCERNING PLEA

ANTHONY STEVEN RODRIGUEZ,

Defendant.

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of conspiracy to sexually exploit children in violation of 18 U.S.C. § 2251(a) and (e) (Count 1), one count of sexual exploitation of children in violation of 18 U.S.C. § 2251(a) (Count II), and one count of conspiracy to distribute child pornography in violation of 18 U.S.C. § 2252A(a)(2) (Count III) as set forth the Indictment filed against him. Defendant has agreed to the forfeiture allegations advanced under 18 U.S.C. § 981(a)(1)(C) and 18 U.S.C. § 2253(a).

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering informed

and voluntary pleas,

2. That the Defendant is aware of the nature of the charges against him and consequences of pleading guilty to the charges,
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and
4. That his guilty pleas are knowing and voluntary pleas, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts I, II, and III of the Indictment, that he forfeit the personal property items identified in the Indictment, and that sentence be imposed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 9<sup>th</sup> day of August, 2011.

Jeremiah C. Lynch  
Jeremiah C. Lynch  
United States Magistrate Judge